IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

Crl.MC.No. 575 of 2007()

CC.1365/2005 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, PATHANAMTHITTA

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PETITIONER: ACCUSED

SUNU SHIJI, D/O.GEORGE,
NOW RESIDING AT CHIRATHARA PUTHEN BUNGLOW,
ALA SOUTH MURI, CHENGANNUR, ALAPPUZHA DISTRICT.

BY ADV. SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
KORATHIYAD POLICE STATION,
(VIA) MAVELIKKARA, ALAPPUZHA DISTRICT.

3. M/S.SREE GOKULAM CHIT & FINANCE CO.(P)
LIMITED, NO.66, ARCOT ROAD, KODAMBAKKAM,
CHENNAI REPRESENTED BY ITS POWER OF ATTORNEY
HOLDER,PROMOD.M., MARUTHATHRUTHIL HOUSE,
EZHIMATTOM P.O., KOTTAYAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER
ADV. SRI.K.S.BABU
SMT.N.SUDHA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 03/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.575 of 2007

Dated this the 3rd day of April, 2007

ORDER

The petitioner is the accused in a prosecution under Section 138 of the N.I Act. Proceedings have been initiated by the respondent/complainant. The proceedings are now pending before the Judicial Magistrate of the First Class, Pathanamthitta. It is the case of the petitioner that courts at Pathanamthitta have no jurisdiction whatsoever to deal with the matter and it is the court at Chengannur which have jurisdiction to deal with the dispute in question.

2. The learned counsel for the respondent/complainant submits that the notice of demand was issued by a counsel at Pathanamthitta and it is in the light of that fact – that demand was made at Pathanamthitta, that complaint happened to be filed at Pathanamthitta. In the light of the decision in **Ahammedkutty Haji v. State of Kerala** [2007(1) KLT 68, it is agreed by the learned counsel for the respondent/complainant that the court at Pathanamthitta will not have territorial jurisdiction to deal with the matter.

3. After discussions at the Bar, there is an agreement between the parties that there can be a direction to the Chief Judicial Magistrate, Pathanamthitta to send over the records to the Judicial Magistrate of the First Class-I, Chengannur.

4. In view of the agreement between the parties, it is unnecessary to consider the dispute in greater details. There shall be a direction to the Chief Judicial Magistrate to forward records to the Judicial Magistrate of the First Class-I, Chengannur. Parties shall appear before that court on 02.05.2007 without waiting for receipt of any further process from that court.

5. It is submitted that there is a warrant of arrest issued against the petitioner by that court. The said warrant shall not be executed in the light of the specific direction to the petitioner to appear before the learned Magistrate on 02.05.2007.

6. This Crl.M.C is, in these circumstances allowed. Communicate copies of the order to both the courts.

(R.BASANT, JUDGE)

rtr/-